

# **EXHIBIT 5**

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June 14, 2004

**By Fax**

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Dear Jason:

In response to your letter of June 12, we refer you to our previous letter dated June 7. As we stated in our previous response, J&J's in-house litigation counsel have had access to the documents in question, as well as legal assistants and the like employed by in-house litigation counsel. Pursuant to our June 7<sup>th</sup> letter, we have continued to treat these materials as "attorneys eyes only".

Sincerely,

Melissa Mandragor